Sabha, I am directed to enclose the Cotton Ginning and Pressing Factories (Repeal) Bill, 1997, as passed by Lok Sabha at its sitting held on the 13th August, 1997."

(III)

"In accordance with the provisions of rule 120 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to inform you that Lok Sabha, at its sitting held on the 13th August, 1997, agreed without any amendment to the Indira Gandhi National Open University (Amendment) Bill, 1997, which was passed by Rajya Sabha at its sitting held on the 11th August, 1997."

(IV)

"In accordance with the provisions of rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose the Appropriation (No. 4) Bill, 1997, as passed by Lok Sabha at its sitting held on the 13th August, 1997.

2. The Speaker has certified that this Bill is a Money Bill within the meaning of article 110 of the Constitution of India."

Sir, I lay a copy each of the Presidential and Vice-Presidential Elections (Amendment) Bill, 1997, the Cotton Ginning and Pressing Factories (Repeal) Bill, 1997, and the Appropriation (No. 4) Bill, 1997, on the Table.

REPORT OF THE COMMITTEE ON PETITIONS

SHRI O. RAJAGOPAL (Madhya Pradesh): Madam, I present the Hundred and Fifth Report of the Committee on Petitions on the Petition signed by Smt. Sushadini Talukdar of Mizoam and Shri Subimal Chakma of Delhi on the Petition pertaining to problems being faced by the Chakma Tribal population in Mizoram and Arunachal Pradesh.

REPORT OF THE DEPARTMENT-RELATED PARLIAMENTARY STANDING COMMITTEE ON TRANSPORT AND TOURISM

श्री सुन्दर सिंह भंडारी (राजस्थान) : महोदया, मैं इंडियन एयरलाइन्स और एलाइन्स एयर के कार्यकरण के संबंध में विभाग संबंधित परिवहन और पर्यटन संबंधी स्थायी समिति का तीसवां प्रतिवेदन (अंग्रेजी तथा हिन्दी में) प्रस्तुत करता हूं।

REPPORT OF THE PUBLIC ACCOUNTS COMMITTEE

SHRI R. K. KUMAR (Tamil Nadu): Madam, I lay on the Table, a copy (in English and Hindi) of the Fifteenth Report of the Public Accounts Committee on Irregular Expenditure on Local Insulation of G. I. Wire.

Re. Business of the House

SHRI SATCHIDANANDA (Karnataka): Madam.... (*Interruptions*)...

THE DEPUTY CHAIRMAN: There is one item. He is to lay a statement. Today he is here for the Railway Appropriation. I would ask him to lay the statement on the Table of the House ... (*Interruptions*)...

SHRI SATCHIDANANDA: Madam, one small submission. (*Interruptions*)

SHRI JOHN F. FERNANDES (Goa): Madam, I want to submit ... (*Interruptions*)...

THE MINISTER OF STATE IN THE MINISTRY OF CIVIL AVIATION AND THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI MATI JAYANTHI NATARAJAN): Madam, I want to submit. (Interruptions)

THE DEPUTY CHAIRMAN: Let the Minister say something. (Interruptions)

SHRIMATI JAYANTHI NATARAJAN: Madam, before this Railway business is over ... (Interruptions)...

THE DEPUTY CHAIRMAN: I am taking everything without ... (Interruptions)...

SHRIMATI JAYANTHI NATARAJAN: Madam, I just wanted to plead with the House to pas that on priority. ... (*Interruptions*)...

THE DEPUTY CHAIRMAN: Definitely we will do it. That is why I wanted to clear everything so that he can lay it and the discussion would be when we take up the Railways. ... (*Interruptions*)...

SHRIMATI JAYANTHI NATARAJAN: Thank you, Madam. ... (Interruptions)...

THE DEPUTY CHAIRMAN: Please speak one by one.

SHRI PRANAB MUKHERJEE (West Bengal): Madam, through you, I would like to seek one piece of information from the Government. We find in the List of Business as many as seven legislative items. Today being the last for the normal business, I would like to know from the Government which of these items are prioritised because it apears that all these seven items cannot be transacted in one day. I would like to know from the Minister of State for Parliamentary Affairs or anybody else from the Government side as to which items they would like to take on priority. Of course, Supplementary Demands for Railways are to be passed. I understand from the Minister of State for Parliamentary Affairs that there is one more Bill also. ... (*Interruptions*)...

THE DEPUTY CHAIRMAN: The Presidential and Vice-Presidential Election Bill ... (Interruptions)...

SHRI PRANAB MUKHERJEE: If the Government will let us know as to which of the Bills listed in the list of Business they are going to prioritise. ... (Interruptions)...

SHRIMATI JAYANTHI NATARAJAN: Madam, ... (*Interruptions*)...

THE DEPUTY CHAIRMAN: Let her finish first. ... (Interruptions)...

SHRI SATISH AGARWAL (Rajasthan): Madam, the Bills that are to be passed on priority are not listed here. For example, the Presidential and Vice-Presidential Election Bill. ... (Interruptions)...

THE DEPUTY CHAIRMAN: It is reported. ... (Interruptions)...

SHRI SATISH AGARWAL: I know that. ... (Interruptions)... I simply say that the Government should coordinate and organise it in such a way that we all get sufficient time. It is good we are going to pass it without discussion. But, supposing, we want to move some amendment; suposing, we want to have a debate, then how do you get it passed? It is good ethat we had decided not to have a debate because we had chough debate on this issue. Similarly, Supplementary Grants (General)— there is no Appropriation Bill No. 4. How do we discuss that? We are going to discuss the Railways. The rest of the business cannot be discussed because today is the last day of the Session. ... (Interuptions)... For future, I would humbly beg of you that you plan and organise the work in such a way that the legislative business has not to be rushed. Otherwise, it is a fait accompli and we have to cooperate and pass everything that you deside. (Interruptions)

THE DEPUTY CHAIRMAN: I will clarify on behalf of the Parliamentary Affairs Minister that the Bills which are reported today have come from the Lok Sabha this morning. Both Appropriation No. 4, the Ginning Bill and the Presidential and Vice-Presidential Election Bill were passed yesterday. Then there is one

more Bill—the Indira Gandhi University Bill. They were passed yesteray by the Lok Sabha and by that time we had adjourned. So, I am waiving all the rules for these Bills to be presented to the House, reported to the House today and to be taken up today. The point which Mr. MUKHERJEE is raising is, which Bill the Government wants to take first. They have my permission to take them up today. But, which Bill they want to take first, they will prioritise it. ... (Interruptions) ...

SHRIMATI JAYANTHI NATARAJAN: Madam, with your permission and the concurrence of the House, the Government would like to take up the Presidential and the Vice-Presidential Bill for discussion. The Law Minister will move a motion. The House has to suspend a rule because it is being brought back in the same Session. I am sure the House will agree to suspend that rule We would request the House to pass that Bill without any discussion because we had already discussed it before. The second is the Railway Appropriation which has already been moved by the Railway Minister yesterday and brought up for discussion. But, the Members did not want discussion if yesterday. So, it has been listed for today. We want that it should be passed without discussion. If the Members want to say something, I leave it to the House. But, priority should be given to the Railway Appropriation and thereafter the Appropriation Bill on the General Budget. So these are the three priorities. After that, if time permits it will be according to the list in the List of Business.

These are the three things which we like to be passed today with the concurrence of the House and with the permission of the Chair. I would request for the cooperation of the Members to pass these three Bills without discussion. ... (Interruptions) ...

SHRI PRANAB MUKHERJEE:

SHRIMATI JAYANTHI NATARAJAN: One more thing. I would like to say in response to what hon. Mr. Mukherjee, and Mr. Satish Agarwalji have said. We respectfully agree and we will certainly try to coordinate and see that adequate time is given to all Members to discuss and to move amendments. We will try to improve the coordination.

SHRI SATISH AGARWAL: I think it is for the next session. ... (Interruptions) ...

श्री सुन्दर सिंह भंडारी (राजस्थान) : महोदया, आज की कार्यावलि में लिखा है विनियोग (रेल) संख्यांक 2, विधेयक, 1997 पर "आगे विचार"।

It is already before the House. इसको अलग रखकर दूसरा बिल कैसे आ सकता है ?

उपसभापति : भंडारी जी, रेलवे का यह बिल तो कल लिस्टेड था। जो जनरल ऐप्रोप्रिएशन बिल है, उसके बारे में मुखर्जी साहब और अग्रवाल जी ने बात की है। सबसे पहले हम लेंगे प्रेजीडेंट और वाईस प्रेजीडेंट के इलेक्शन का बिल लेंगे जो बगैर किसी डिस्कशन के पास हो रहा है। फिर रेलवे का ऐप्रोप्रिएशन बिल लेंगे जिसमें मंत्री जी स्टेटमेंट भी। रख देंगे। वह साथ ही डिस्कस हो जाएगा। आपको भी समय मिलेगा स्टेटमेंट पढ़ने को

SHRI JOHN F. FERNANDES: Madam, we have to say something on the Statement.

उपसभापति : होगी हो जाएगी। जब प्रधानमंत्री हाउस में शार्ट नोटिस क्वेश्चन का जवाब दे रहे थे, तब यह स्टेटमेंट सर्कुलेट हो रहा था। उस समय यह उचित नहीं था कि जब प्रधानमंत्री एक महत्वपूर्ण सवाल का जवाब देते हैं, उसी समय एक तरफ से यह कहें कि कुछ डिस्ट्रीब्यूट हो रहा है। उनका जवाब नहीं सुना जा रहा था। इसलिए मैंने

कहा कि ग्रभी इसे सर्कुलेट मत करिए । जब जवाब खत्म हो जाए, तब ग्राप सर्कुलेट करिए । जब वह स्टेटमट टबल पर रखेंग ता सर्कुलट हो जाएगा, इसमें कोई चिंता की बात नहीं है ।

SHRI JOHN F. FERNANDES: Madam, before that I want to make a submission. A Parliamentary Committee was appointed by the Chairman because there was a railway wagon crisis in the country. That Committee toured throughout the country and investigated the matter. The Committee has submitted its report to the Government. I am told that the recommendation of the Committee was that 75 per cent of wagons should be done through "Wagon India" through pricing system, and the rest 25 per cent should be done through open tendering. Now, it has come to my knowledge that the hon. Railway Minister is going to lay a Statement, and we do not know what it is. But, I am informed that they are going to privatise 100 per cent. If they are not going to accept the recommendations of the Parliamentary Committees, then why should Parliament waste its precious time and money? We do not have access to the Statement that they are going to lay on the table... (Interruptions)

THE DEPUTY CHAIRMAN: Just one second ..(Interruptions)... Gurudasji, please ..(Interruptions) ... I know your point ..(Interruptions)... One second (Interruptions)...

SHRI DIPANKAR MUKHERJEE (West Bengal) Madam, whatever Statement is being laid by the Minister of Railways, it is a fait accompli. As per the report the tender has already gone out The recommendations of the Committee have totally been violated Now a statement comes saying a new policy is being discussed. The Action Taken Report has been placed in the House They have gone against that. Tendering has also been done. Is it a post facto business analysis?

SHRI GURUDAS DAS GUPTA (West Bengal): Madam, I take serious exception to the way in which the policy laid down by this House has been or being violated by the Railway Ministry. You will kindly remember that there was a prolonged discussion in the House and the hon. Chairman, at that point of time, had appointed a Committee. I was a Memebr of that Committee. The whole matter was scrutinised, investigated and studied. The Committee has submitted the report. No Minister, whoever he may be, can bring a change in the policy that was enunciated with the approval of the House. Nobody can change it. But, I am constrained to say that the policy has been changed. It is going to have a big impact on the wagon-producing industry in the country. As a result of that the working conditions of lakhs of workers have been affected. Lakhs of workers are being thrown out of jobs. It is not for that I am saying ...(Interruptions)... Just one moment... (Interruptions) . It is absolutely a matter propriety. There should not have been issuance of tender without consulting the House. The Minister should not have taken upon himself the responibilsity of taking a decision, which is totally contrary to the collective wisdom of the House... (Interruptions)...

THE DEPUTY CHAIRMAN: Just one second .. (Interruptions)... He was the Chairman of the Committee. (Interruptions)...

देखिए, मेरे नहीं सुने हो जाना चाहिए । एक मिनट बैठिए (व्यवधान)

Today is the last day of the Session We have a lot of business to transact That is why I said the Minister will lay the Statement on the Table of the House When it is discussed, you can put all these questions We can

not duplicate it. Before he has laid the statement, you are asking questions. Again, after he lays it, you will ask questions. Then how are we going to function? How are we going to pass the legislations? I am more concerned with the business before the House, which is essential. (Interruptions)

श्री नरेन्द्र मोहन (उत्तर प्रदेश) : रेल मंत्री ने नीति बनाने से पहले ही टैंडर जारी कर दिया ... (व्यवधान)

उपसभापति : अच्छा, वह आप उनसे पूछिएगा, पर समय तो आने दीजिए ।

श्री नरेन्द्र मोहन : (व्यवधान) वह सब टैंडर जारी कर दिया गया । ... (व्यवधान)

THE DEPUTY CHAIRMAN: Just now I am not taking up any other thing. (Interruptions)

SHRI TRILOKI NATH CHATURVEDI (Uttar Pradesh): Madam, these two things are altogether different. So far as the Railway Appropriation Bill is concerned, it is a separate item. It was listed before. But this statement has been brought forward all of a sudden. Probably, the Railway Ministry woke up at the last minute... (Interruptions)

THE DEPUTY CHAIRMAN: Please sit down, Mr. Chaturvedi. Let Mr. Rahman Khan speak because he wrote a letter. He should have the right to speak. (Interruptions) It is in relation to a letter written by the Chairman of that Committee which was appointed by the hon. Chairman of this House. He wrote a letter to us. We sent that letter to the Minister for his comments. In response to that letter, he has come forward with this statement. Let us, at least, listen to him. He was the Chairman of that Committee.

SHRI TRILOKI NATH CHATURVEDI: I know, Madam.

SHRI K. RAHMAN KHAN (KARNATAKA): Madam, I was the Chairman of the Railway Wagons Committee. This Committee was constituted, was appointed, by this House. The Committee deliberated on this subject and submitted its report. Then, in August, 1996, the Ministry gave the Action Taken Report. In that Action Taken Report, they specifically committed themselves that 25 per cent would be by tender; the balance 75 per cent would be by Wagon India. Madam, the Wagon India Limited was specifically set up to ensure equitable distribution of wagons to all the wagon manufacturers. This was done after a great deal of deliberation.

Now, all of a sudden, a letter was written to the Chairman by the Railway Minister that they are changing the policy. Based on that letter, they have changed the policy. They are now resorting to open tenders. This amounts to a contempt of the House, Madam. It is contrary to what the Ministry committed themselves to in their Action Taken Report. By just sending a letter to the Chairman, they have changed the entire policy. Whatever they have said in the letter to the Chairman, the same thing they are going to place before the House through this statement.

Madam, this is a predetermined thing. We should not accept this statement. If the statement is going to say the same thing, the House should deliberate on it. This statement should not be accepted.

SHRI JOHN F. FERNANDES: Madam, how can the Government change the policy just through a letter?

THE DEPUTY CHAIRMAN: I have not allowed him to make the statement. Just now I am taking up the Presidential and Vice-Presidential Elections (Amendment) Bill. Let me have a copy of the Bill, please. (Interruptions)

SHRI TRILOKI NATH CHATURVEDI: Madam, I want to say something on this.

THE DEPUTY CHAIRMAN: It will be afterwards. (Interruptions) I am not allowing. (Interruptions) The matter is not before the House. (Interruptions)

SHRI TRILOKI NATH CHATURVEDI: Madam, the Parliamentary Affairs Minister said just now that there would be no discussion on this Bill either, because it was discussed at length earlier. (Interruptions)

श्री नरेन्द्र मोहन : ... (व्यवधान) और उस नीति के विरुद्ध टैंडर दिया गया और नीति का उल्लंघन किया गया । (व्यवधान)

उपसभापति : प्रणोय मित्र जी, मंत्री जी बोल रहे हैं ... (व्यवधान) बाद में तो बहुत बोलेंगे ही, उनको तो रेलवे पर पूरा बोलना है ।

रेल मंत्री (श्री राम विलास पासवान) : उपसभापति महोदया, मैं टैंडर के संबंध में कुछ नहीं कहना चाहता हूं । मैं एक जनरल आब्जर्वेशन देना चाहता हूं । यदि आपकी राय हो तो इसके संबंध में भी बोल दूंगा मेरे पास पूरे फैक्ट्स हैं । महोदया, मैंने अपने पिछले बजट भाषण में कहा था और घोषणा किए थे कि हम टेंडरों में पारदर्शिता लाएंगे, टेक्नोलॉजी लाएंगे और इस टेक्नोलॉजी को लाने के लिए यहां हम मंत्री के माध्यम से, सुरक्षा के मामले में हम कोई कम्प्रोमाइज नहीं करेंगे क्योंकि यदि हमको लाभप्रदता हुई और हम महसूस करते हैं कि हमको रेलवे की बचत होगी तो हम रेलवे को बचत करने का काम करेंगे और इस दृष्टिकोण से हमने कहा था कि हम कोई सिंगल टैंडर या कोई भी सलेक्टेड टैंडर हम नहीं लेंगे हम ओपन टैंडर या ओपन टैंडर का इम्प्लीमेंट करेंगे और इस टैंडर के इम्प्लीमेंट करने से अभी तक कम से कम पौने दो सौ करोड़ रुपए का बचत हुआ है । अभी स्पीच में मैंने लिखा है और उसमें 102 करोड़ रुपए का सीधा बचत हुआ है । हम देखते हैं कि एक ही कम्पनी जब सलेक्टेड टैंडर में होती है, सिंगिल टैंडर में होती है तो वह जितना काम खुद करता है और यदि उसी को दूसरे को जब करने है तो सीधे उसका हमको आधा बचत हो जाता है । इस दृष्टिकोण से जो वैगन इंडिया का मामला चला है, यह बात सही है कि वैगन इंडिया के संबंध में माननीय संसद सदस्यों की समिति बनी। उन्होंने रिकमेंडेशन किए और रिकमेंडेशंस करने के बाद कहीं भी वैगन इंडिया को रोक नहीं है कि आप हम टैंडर निकालते हैं तो वैगन इंडिया उसमें भाग नहीं लेगा, पार्टीसिपेट नहीं करेगा । जो हमारा टैंडर का लोएस्ट प्राइस होता है, उसमें हमने यह कहा है कि जिसका भी लोएस्ट प्राइस होगा और यदि उस प्राइस पर वैगन इंडिया टैंडर लेना चाहेगा तो उसकी जितनी फ्री कैपेसिटी है, उसको हम पहले देंगे, फिर किसी दूसरे को हम देंगे । इसलिए जो इंडस्ट्रीज के मरने का सवाल है, वह पैदा नहीं होता है । कोई भी कम्पनी—चाहे वह प्राइवेट हो, या पब्लिक हो, वह जितने दाम खर्च करने को तैयार है, उतने ही दाम पर यदि वैगन इंडिया टैंडर लेने को तैयार है तो उसको हम फ्री कैपेसिटी के यूटीलाइजेशन देने का काम करेंगे । लेकिन उपसभापति महोदया मैं जिस मंत्रालय में हूं, वह मंत्रालय बहुत बड़ा मंत्रालय है, 7000 करोड़ की खरीद-बिक्री वहां होती है । मैंने पार्लियामेंट में कहा था और जब हमने प्रगति मैदान में ऐक्जीबिट न लगाने का काम किया है । उसमें हमने सुई से लेकर हजार करोड़ रुपये की खरीद-बिक्री का लेखा-जोखा किया है । कौन सिंगल टैंडर में आया है, कौन सिलेक्टिव टैंडर में आया है, कौन ओपन टैंडर से आता है हमने इस संबंध में कहा है कि इस तरह का सिस्टम नीचे से ऊपर तक करेंगे तथा ब्रकलेट निकालने का काम भी करेंगे । मैं आप लोगों से बताना चाहता हूं कि कल कोई आदमी पब्लिक इंटरेस्ट लिटीगेशन में चला जाए और वह कहे कि इस दाम पर हमारी कम्पनी देने को तैयार थी और आपने हमसे दूसरे दाम पर देने का काम क्यों किया तो हम किसकी रिस्पांसीबल? इसलिए यदि वे आइ-

बेट कम्पनी को मिर्फ दूं और पब्लिक अंडरटेकिंग को या बैंगन इंडिया को रोकूं तब मेरे ऊपर जवाबदेही हो सकती है। लेकिन कोई भी आदमी जैनुअन रेट पर देने को तैयार है और उस रेट पर हम कहते हैं कि पहले हम पब्लिक अंडरटेकिंग को देंगे पहले बैंगन इंडिया को देंगे और यदि वह रिफ्यूज करेंगे तब उसके बाद उनको मिलेगा, इसमें क्या हर्जा है। मुझे समझ में नहीं आ रहा है कि क्या इंडस्ट्रीज मर रही है। यदि एक चीज को चार गुना में हम दे दें और रेलवे का पैसा बर्बाद करने का काम करें तब अच्छा है, और यदि हम रेलवे मिनिस्टर की हैसियत से रेलवे का पैसा बचाने का काम करें तो ... (व्यवधान)

उपसभापति : मंत्री जी, इसी पर चर्चा नहीं हो रही है। (व्यवधान)

SHRI GURUDAS DAS GUPTA: Madam, he is absolutely misleading the House. The House is being absolutely misled. ...(Interruptions)...

We never proposed that the contract should be given to the public sector even if it quotes a higher price. The Minister is misleading the House. He is holding aloft the banner of so-called propriety. There is no propriety. If he had propriety, he should have come to the House. Instead of consulting the House ...(Interruptions)...

SHRI RAM VILAS PASWAN: Madam, if he thinks what I am saying is not correct, then, allow me to lay a statement on the Table of the House. ...(Interruptions)...

SHRI GURUDAS DAS GUPTA: It cannot be. We must discuss it. (Interruptions)...

THE DEPUTY CHAIRMAN: Don't get agitated. First let me dispose of the resolution of Shri Ramakant Khalap. The Railway matter will come after that.

SHRI SANJAY DALMIA (UTTAR PRADESH): Madam,...

THE DEPUTY CHAIRMAN: Not now. ...(Interruptions)...

Nothing will be taken up before that.

SHRI SANJAY DALMIA: Madam, you said you would call me.

THE DEPUTY CHAIRMAN: Yes, I did say that, but I did not give you a specific law.

SHRI SANJAY DALMIA: Madam, you said "After Twelve."

THE DEPUTY CHAIRMAN: After twelve o'clock could be three o'clock also. I am never wrong in my statement.

SHRI SANJAY DALMIA: Madam, you must hear what I am saying. ...(Interruptions)...

THE DEPUTY CHAIRMAN: Let me finish this.

SHRI SANJAY DALMIA: It would be too late.

THE DEPUTY CHAIRMAN: Nothing is late in this world. Nothing is going to happen. We always feel that the world is going to fall apart. ...(Interruptions)...

This is an essential business.

SHRI SANJAY DALMIA: Madam, the people have not got invitation for today's function. If I do not raise it now, what will be the use? Some freedom fighters have not been invited to today's function. This has been reported today.

MOTION UNDER RULE 267 TO SUSPEND RULE 228 OF THE RULES OF PROCEDURE AND CONDUCT OF BUSINESS IN THE RAJYA SABHA

THE MINISTER OF STATE OF THE MINISTRY OF LAW AND JUSTICE (SHRI RAMAKANT D. KHALAP): Madam, I beg to move the following Motion:

"That the House do suspend Rule 228 of the Rules of Procedure and Conduct of Business in the Rajya Sabha in its application to the Motions for consideration and